

Remarks

The above Amendments and these Remarks are in reply to the Office action mailed July 7, 2003. Claims 1-25 are presented herewith for consideration. Claims 1, 3, 11, 15-16, 20, 22 and 24 have been amended and claims 26-27 have been added.

Claims 3 and 11 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-4, 6, 8-9, 13-16 and 18-24 are rejected under 35 U.S.C. §102(e) as being anticipated by *He et al.* (U.S. Patent No. 6,557,042).

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over by *He et al.* in view of *Kikinis* (U.S. Patent No. 6,205,485).

Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over by *He et al.* in view of *Jaisimha et al.* (U.S. Patent No. 6,487,663).

Claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over by *He et al.* in view of *Powlette* (U.S. Patent No. 6,489,954).

Claims 11-12, 17 and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over by *He et al.* in view of *Kupka et al.* (U.S. Patent No. 6,434,535).

I. Rejection of Claims 3-11 Under 35 U.S.C. §112

Claims 3 and 11 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As suggested by the Examiner, claims 3 and 11 have been amended.

Accordingly, it is respectfully requested that the Examiner withdraw the rejection of claims 3 and 11 under 35 U.S.C. §112.

II. Rejection of Claims 1-4, 6, 8-9, 13-16 and 18-24 Under 35 U.S.C. §102(e)

Claims 1-4, 6, 8-9, 13-16 and 18-24 are rejected under 35 U.S.C. §102(e) as being anticipated by *He et al.* (U.S. Patent No. 6,557,042).

In rejecting claim 1, the Examiner stated *He et al.* teaches “downloading ...the media file include[ing] an embedded code” at col. 4, lines 20-42. Yet, the Examiner has not identified with any particularity “an embedded code” taught at col. 4, lines 20-42. This section of *He et al.* describes a “composite media stream” and various media stream standards, such as “ASF.” *He et al.* teaches that an ASF standard provides:

local and network playback, extensible media types, component download, scalable media types, prioritization of streams, multiple language support, environmental independence, reach inter-stream relationships and expandability. Col. 4, lines 49-54.

There is clearly no teaching in *He et al.* of “an embedded code” and the following steps performed based on the “embedded code.” *He et al.* teaches numerous benefits but conspicuously omits a teaching of “an embedded code” as well as the claimed steps.

Claim 1 further calls for “detecting the embedded code.” The Examiner has stated that *He et al.* teaches this element at col. 4, lines 43-67 and col. 5, lines 1-19. However, as described above, col. 4, lines 43-55 teach an ASF standard and col. 4, lines 56-65 teaches rendering individual “digital data sets or units.” Col. 5, lines 1-19 teaches compression, sequential data units and presentation times. The Examiner has not identified where in these sections *He et al.* teaches “detecting the embedded code” because the Examiner has not identified with any particularity what *He et al.* teaches as the “embedded code.”

Claim 1 also calls for “spawning a process by the interface program responsive to the embedded codes.” The Examiner once again cites col. 4, lines 43-67 and col. 5, lines 1-19 for teaching this element without providing any specifics. The Examiner has not cited “a process”, as taught by *He et al.* which is “spawn[ed]” in response to “the embedded code.”

Claim 1 also calls for “parsing the embedded code in a plurality of code segments by the process.” The Examiner once again has not identified with any particularity how *He et al.* teaches “parsing” or “a plurality of code segments.”

Claim 1 also calls for “querying a memory location...responsive to a code segment in the plurality of code segments.” The Examiner has also not identified with any particularity how *He et al.* teaches “querying a memory location...responsive to a code segment in the plurality of code segments” which has been “pars[ed]”.

Finally, claim 1 calls for “responding to rules in the memory location.” The Examiner has not identified with any particularity where *He et al.* teaches the “rules in the memory location.”

Claims 2-4, 8-9, and 13-14 depend from claim 1 and therefore are patentable for at least the same reasons stated above in regard to claim 1.

Further, the Examiner has stated that *He et al.* teaches “a metadata time code,” as required by claim 13, at col. 4, lines 21-42. However, the Examiner has not cited with any particularity where such “a metadata time code” is taught at this section.

Claim 15 calls for “the user interface detects the embedded code during a media file download.” As with claim 1, the Examiner has not identified “the embedded code” taught by *He et al.* Further claim 15 calls for “the second processing device creates a process for retrieving the information from the data store, responsive to the embedded code, which is used to alter the displayed user interface. As describe above the Examiner has not identified with any particularity “the embedded code” and “the second processing device [that] creates a process ...responsive to the embedded code...”

Claim 16 and 18-21 depend from claim 15 and therefore are patentable for at least the same reasons stated above in regard to claim 15.

Claim 22 calls for “ a third software component capable of detecting an embedded code in the streaming media” and “a fourth software component capable of accessing a data store responsive

to the embedded code” which is not taught or suggest by *He et al.* In rejecting claim 22, the Examiner again relies on col. 4 lines 43-67 and col. 5, lines 1-19. But as shown above, these passages describe a composite media stream and an ASF standard, and not a “software component capable of detecting an embedded code in the streaming media” and not a “software component capable of accessing a data stores responsive to the embedded code.”

Claim 23 depends from claim 22 and therefore is patentable for at least the same reasons stated above in regard to claim 22.

Claim 24 calls for “downloading a streaming media content having an embedded code” which is likewise not taught by *He et al.* Further, claim 24 calls for “passing a segment of the embedded code to a process.” The Examiner has not identified “an embedded code,” “a segment of the embedded code,” “a process” or “passing” which is taught by *He et al.*

Accordingly, it is respectfully requested that the Examiner withdraw the rejection of claims 1-4, 6, 8-9, 13-16 and 18-24 under 35 U.S.C. §102(e).

III. Rejection of Claim 5 Under 35 U.S.C. §103(a)

Claim 5 is rejected under 35 U.S.C. §103(a) as being unpatentable over by *He et al.* in view of *Kikinis* (U.S. Patent No. 6,205,485).

Claim 5 depends from claim 1 and therefore is patentable for at least the same reasons stated above in regard to claim 1.

Accordingly, it is respectfully requested that the Examiner withdraw the rejection of claim 5 under 35 U.S.C. §103(a).

IV. Rejection of Claim 7 Under 35 U.S.C. §103(a)

Claim 7 is rejected under 35 U.S.C. §103(a) as being unpatentable over by *He et al.* in view of *Jaisimha et al.* (U.S. Patent No. 6,487,663).

Claim 7 depends from claim 1 and therefore is patentable for at least the same reasons stated above in regard to claim 1.

Accordingly, it is respectfully requested that the Examiner withdraw the rejection of claim 7 under 35 U.S.C. §103(a).

V. Rejection of Claim 10 Under 35 U.S.C. §103(a)

Claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over by *He et al.* in view of *Powlette* (U.S. Patent No. 6,489,954).

Claim 10 depends from claim 1 and therefore is patentable for at least the same reasons stated above in regard to claim 1.

Accordingly, it is respectfully requested that the Examiner withdraw the rejection of claim 10 under 35 U.S.C. §103(a).

VI. Rejection of Claims 11-12, 17 and 25 Under 35 U.S.C. §103(a)

Claims 11-12, 17 and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over by *He et al.* in view of *Kupka et al.* (U.S. Patent No. 6,434,535).

Claims 11-12, 17 and 25 depend from claims 1, 15 and 24 and therefore are patentable for at least the same reasons stated above in regard to the respective independent claims.

Accordingly, it is respectfully requested that the Examiner withdraw the rejection of claims 11-12, 17 and 25 under 35 U.S.C. §103(a).

VII. Added Claims

Claims 26-27 have been added to clearly claim an embodiment of the present invention and are believed allowable over the cited art. In particular, claim 26 calls for “downloading a streaming

media content having an embedded code having an address to executable instructions" and "providing an image to a display responsive to executing the instructions."

VIII Conclusion

Based on the above amendments and these remarks, reconsideration of claims 1-25 and consideration of claim 26-27 is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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